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Report of the Security Council mission to Timor-Leste, 3 to 6 November 2012

I. Introduction

1. In his letter dated 31 October 2012 (S/2012/793), the President of the Security Council informed the Secretary-General that the Council had decided to send a mission to Timor-Leste from 1 to 7 November 2012.[1] The mission was composed as follows:

Ambassador Baso Sangqu, Permanent Representative (South Africa), Head of Mission

Ambassador Agshin Mehdiyev, Permanent Representative (Azerbaijan)

Ambassador Manjeev Singh Puri, Deputy Permanent Representative (India)

Ambassador Raza Bashir Tarar, Deputy Permanent Representative (Pakistan)

Ambassador João Maria Cabral, Deputy Permanent Representative (Portugal)

Ambassador Kodjo Menan, Permanent Representative (Togo).

2. The primary purpose of the mission, as set out in the terms of reference approved by all Security Council members, was to reaffirm the Council's commitment to the promotion of long-term stability in the country; to commend the Timorese people for their successful presidential and parliamentary election; to encourage the Government, the Parliament, the political parties and people of Timor-Leste to continue to work together and engage in inclusive dialogue to promote further consolidation of peace, democracy, the rule of law, security sector reform, sustainable social and economic development and national reconciliation in the country, including fostering the role of women in the process; and to express the Council's support to Timorese leadership and ownership of the next phase of development. The mission also wished to express the Council's full support for the work of the United Nations Integrated Mission in Timor-Leste (UNMIT) and the United Nations country team in Timor-Leste and to assess the progress in the phased drawdown of UNMIT operations. The mission was further directed to discuss with the Government its vision of an innovative working relationship of cooperation with the United Nations, and to underscore the international community's long-term

[1] The visit of the Security Council mission to Timor-Leste actually took place from 3 to 6 November 2012.

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commitment to sustainable peace and development in Timor-Leste and for continuing support of bilateral and international partners to these Timorese efforts as needed. The terms of reference of the mission are contained in the annex to the present report.

3. This was the second visit of the Security Council to Timor-Leste since the establishment of UNMIT on 25 August 2006. The Council previously visited in November 2007 following the first presidential and parliamentary elections since the restoration of independence.

4. The mission left New York on 1 November and returned on 7 November. During the visit, the mission met with the President of Timor-Leste, Taur Matan Ruak, the Prime Minister, Kay Rala Xanana Gusmão, the President of the National Parliament, Vicente da Silva Guterres, and the President of the Court of Appeal, Claudio Ximenes (the four organs of sovereignty); the Minister for Foreign Affairs and Cooperation and other senior Government officials; the Minister of Justice, the Prosecutor-General, the Public Defender General, the Anti-Corruption Commissioner and the Deputy Provedor for Human Rights and Justice; members of Parliament; the General Commander of the Polícia Nacional de Timor-Leste (PNTL); the Acting Commander of the defence forces (Falintil-Forças Armadas de Defesa de Timor-Leste (F-FDTL)); leaders of political parties (including the Secretary-General of Fretilin); the Bishop of the Diocese of Dili; and representatives of civil society and women's groups. The mission also met with senior UNMIT officials, including the Acting Special Representative of the Secretary-General for Timor-Leste, Finn Reske-Nielsen, the Deputy Special Representative for Security Sector Support and Rule of Law, Shigeru Mochida, the Police Commissioner, Luis Carrilho, and the Chief of the UNMIT Military Liaison Group, Colonel Martin Dransfield, and members of the United Nations country team, as well as the Commander of the international security forces and the diplomatic community. In addition, the mission visited the Police Training Centre in Dili for briefings by the Centre Director and the PNTL and UNMIT police leadership as well as the town of Same in Manufahi District for meetings with the President of Timor-Leste at the District Administration building and with the PNTL and UNMIT Police Manufahi District Commanders at the Same police station.

II. Visit of the Security Council to Timor-Leste

A. Background and context

5. In explaining the purpose of its visit to the Timorese authorities and other stakeholders, the mission explained that it was guided by the parameters and goals of Security Council resolution 2037 (2012) and the terms of reference approved by the entire Council. The mission indicated that it had also taken account of the assessment and recommendations in the Secretary-General's report issued on 15 October 2012 (S/2012/765), which the Security Council would discuss on 12 November, and that the mission would also report to the Council on the same day. Based on this reporting, the Council would subsequently make a decision regarding completion of the UNMIT mandate.

6. In referring to resolution 2037 (2012), the mission recalled that the Security Council had decided to extend the mandate of UNMIT until 31 December 2012 and

had endorsed its phased drawdown plan, "in accordance with the wishes of the Government of Timor-Leste, conditions on the ground and following the successful completion of the 2012 electoral process", as recommended by the Secretary-General and as reflected in the Joint Transition Plan between the Government and UNMIT of 19 September 2011. The mission highlighted to all interlocutors that the Council had underlined the importance of ownership of the medium-term strategy by the leaders and people of Timor-Leste in the process of tracking progress in the country and assessing the level and form of United Nations support and cooperation with the Government. The mission emphasized that this principle of national ownership and sovereignty would also underpin its discussions throughout the visit.

7. Within this framework, the mission further recalled that, in its resolution 2037 (2012), the Security Council had requested the Secretary-General to submit a report providing recommendations on the completion of the UNMIT mission and the transfer of responsibilities in order to enable the Government and UNMIT to finalize preparations for its withdrawal and had encouraged a timely decision by the Government on the nature, activities and scope of the United Nations role post-UNMIT, in coordination with UNMIT, the United Nations country team and other relevant stakeholders. The mission explained that it had taken account of the Secretary-General's recommendation, in his report of 15 October, that UNMIT continue to proceed with its phased drawdown until the completion of its mandate on 31 December 2012, consistent with the views of the Government as set out in the letter dated 20 September from the Prime Minister addressed to him (S/2012/736) and as envisaged in the Joint Transition Plan. It had noted that, in that letter, the Prime Minister stated that Timor-Leste no longer requires United Nations support through the presence of either a United Nations peacekeeping or political mission beyond the end of 2012 and, consequently, that there is no requirement for the continued consideration of Timor-Leste affairs by the Security Council; that the United Nations will continue to be an important partner in the new phase of the development of the nation; that Timor-Leste, in accordance with the progress it has achieved, and consistent with the principles of the Group of Seven Plus New Deal, would like to establish with the United Nations an "innovative working relationship of cooperation"; and that an example of such an approach could be a two-year appointment of a special envoy of the Secretary-General with a focus on institutional strengthening and development that could provide a direct link between Timor-Leste and the Secretary-General's good offices. In addition, the mission had taken account that the Prime Minister had conveyed that the Government had formed a working group to start discussions with the United Nations on matters identified in the Joint Transition Plan for the post-2012 period (and that the National Planning Matrix will be used to evaluate these activities), and that the Secretary-General had asked his Acting Special Representative to ensure that the UNMIT senior management team and United Nations country team partners fully collaborate with it to facilitate its work. The mission also noted that the Secretary-General had applauded the continued progress in the joint transition process and the close partnership maintained between Timorese and UNMIT counterparts, and called on all involved to continue to work together and intensify their efforts to facilitate the effective implementation of the Joint Transition Plan's remaining activities.

8. In considering that the Secretary-General's report of 15 October presents an extensive assessment of progress achieved in UNMIT's mandated priority areas and remaining challenges, and that the letter of 20 September from the Timor-Leste

Government conveys its position on the post-UNMIT United Nations engagement, the Security Council mission decided to focus on and obtain feedback from the Timorese authorities and other stakeholders on three issues. First, so as to ensure a responsible and informed decision by the Security Council on the transition, the mission sought the view of each Timorese interlocutor on whether they favoured the continued drawdown and closure of UNMIT by the end of December, taking account of the status of implementation of Joint Transition Plan activities, the progress achieved and residual challenges faced by the country, and available capacities and arrangements to meet those challenges. Second, the mission asked the Timor-Leste Government to elaborate on its vision of developing an innovative working relationship of cooperation with the United Nations focusing on institutional strengthening and development during the post-2012 phase, and on the outcome of its working group on post-2012 United Nations activities to be undertaken; it also sought the perspectives of other Timorese interlocutors on the desired form of future United Nations engagement. While acknowledging the core principle of national ownership in respect of the post-UNMIT United Nations role, the mission raised with the Government whether there were any residual matters that would require United Nations assistance, such as the estimated 61 cases that would not be completed by the UNMIT Serious Crimes Investigation Team by the end of December. Third, the mission encouraged the Timorese authorities and people to continue the process of consolidating and building upon their achievements and reforms.

B. Recommendation for completion of the drawdown of the United Nations Integrated Mission in Timor-Leste

9. During discussions with Government and State officials and other Timorese stakeholders regarding the UNMIT drawdown and closure at the end of December, the Security Council mission commended the progress achieved in the country over the decade since the restoration of independence and especially since UNMIT commenced its work in August 2006 in the aftermath of the crisis. The mission noted that, as had been highlighted by UNMIT and United Nations country team officials (and in the Secretary-General's report), there had been tangible progress in multiple areas as well as a number of milestones reached this year, which reflected further consolidation towards sustainable peace, democratic governance, rule of law and socioeconomic development during the transition. Among the poignant examples of the significant advances made, the mission noted the return of some 150,000 internally displaced persons and the closure of tented camps; the maintenance of a calm and stable security situation since the 2008 attacks on the President and the Prime Minister; a continued low reported crime rate after PNTL assumed responsibility for all policing operations in March 2011; Timor-Leste's leadership as Co-Chair of both the International Dialogue on Peacebuilding and State-building and the Group of Seven Plus fragile States to promote aid effectiveness and the achievement of the Millennium Development Goals; the strengthening of capacities of State institutions (including in the security, justice and governance sectors); the conduct of three rounds of presidential and parliamentary elections in 2012 in a peaceful environment with high voter participation that led to the formation of a new Government and the inauguration of a new Parliament, with women assuming 38 per cent of the seats (the highest in the Asia-Pacific region) and

the active participation of the opposition; and the certification of full reconstitution of PNTL on 31 October as capable of conducting all police functions.

10. In addition to progress evidenced on the ground, the mission indicated that it was very encouraged by the political maturity and forward-looking approach shown by Timor-Leste in actively participating within regional and international arenas to contribute to multilateral undertakings, as reflected by the Government's prominent role in recent General Assembly forums focusing on the Group of Seven Plus fragile States, peacebuilding and Education First initiatives as well as in meetings of the Community of Portuguese-speaking Countries. The mission also observed that Timor-Leste's aspiration to join the Association of Southeast Asian Nations (ASEAN) demonstrated its commitment to further strengthen its regional integration and friendly ties with all of its neighbours — a point stressed by the Prime Minister and Minister for Foreign Affairs and Cooperation, among others.

11. At the same time, the mission acknowledged, during discussions, that certain challenges remained in all sectors. In this connection, the mission noted that the Security Council had recalled, in its resolution 2037 (2012), that Timor-Leste had progressed in many aspects of its political, economic and social development, as well as in human resources development and institution-building, but "still faces many challenges and needs continued assistance of bilateral and multilateral partners in order to fully realize its potential for equitable and inclusive sustainable growth". Given further progress achieved over the past year since that resolution, the mission sought the feedback of interlocutors on whether they foresee any problems in proceeding with the drawdown and closure of UNMIT. In recognizing that Timor-Leste was born only 10 years ago, the mission underscored that, like other post-conflict countries, it will inevitably need to continue to tackle longer-term challenges which have no "quick-fix solutions" and will entail sustained efforts over the coming months and years.

Consensus position among the Timorese authorities and other stakeholders

12. The Security Council mission was struck by the consensus among Timorese interlocutors across the spectrum that UNMIT should proceed to close at the end of its current mandate in December, with many of them citing the tremendous progress made by the country in partnership with the United Nations as well as the nature and scope of the remaining challenges to be addressed with the support of the United Nations country team and bilateral and multilateral partners. Interlocutors from the Government and State institutions presented a unified stance in reiterating the position conveyed by the Prime Minister in his letter of 20 September to the Secretary-General: that Timor-Leste, upon UNMIT closure, no longer requires United Nations support through the presence of either a peacekeeping or political mission and consequently there is no requirement to continue to be on the Security Council agenda. Other stakeholders, including political parties outside of the Government (such as Fretilin), civil society and women's groups, similarly conveyed that the UNMIT drawdown should proceed and that peacekeeping support was not needed at this stage of the country's development.

13. The mission also took note that Timorese interlocutors consistently raised three points in connection with this consensus position on the UNMIT drawdown and closure:

(a) First, nearly all interlocutors positively indicated that the progress achieved in the country across various sectors and the maintenance of general stability since the devastating events of 1999 (with some setbacks) was facilitated by the support and partnership provided by consecutive United Nations missions and the country team as well as bilateral and multilateral partners. A number of these interlocutors further stressed that the collaborative relationship and partnership with the United Nations was substantially enhanced through the various modalities of the jointly owned transition process, which was driven by Timorese Government priorities in steering the way forward (for example, the establishment in September 2010 of the High-level Committee on Transition hosted by the President and its joint technical working groups; the reorientation of UNMIT police support to focus on capacity-building as presented in the February 2011 PNTL-UNMIT Police Joint Development Plan; and the September 2011 Joint Transition Plan between the Government and UNMIT);

(b) Second, all interlocutors emphasized that, though UNMIT's peacekeeping presence was no longer needed, it was critical, given the remaining tasks and challenges faced across sectors, for support to continue to be provided by the United Nations country team and bilateral/multilateral partners under arrangements led by the Timorese authorities, which would take account of the experience, expertise and language skills needed to tackle them. A number emphasized that, given certain pressing tasks in sectors and the desire to expedite delivery of tangible results that would impact the daily lives of the population, they considered it preferable and more effective to seek assistance from the United Nations country team and bilateral and multilateral partners, which could provide experts with the required specialized knowledge and skills and familiarity with the conditions on the ground. In addition, they mentioned that lusophone experts often accelerated the pace of such assistance to Timorese stakeholders, including in providing required training and mentoring;

(c) Third, most interlocutors, including the Prime Minister, stressed that, after more than 13 years of United Nations missions operating in their country and in view of the progress that it has made over that period, they felt that it was time for Timor-Leste to break "the dependency cycle" and to stand on its own feet in going forward and taking the lead in tackling remaining challenges as well as identifying those to assist them. They explained that Timor-Leste is no longer a weak, conflict-affected "recipient country", but one which has accomplished many peacebuilding goals and is now focusing on the process of State-building and institutional strengthening and development. They explained that Timor-Leste is also now focused on "giving back" to others in the world to promote peace and development, including through its participation and leadership in bilateral and multilateral initiatives (for example, as Co-Chair of the Group of Seven Plus), in offering its police and military personnel to serve in United Nations missions in conflict-affected regions, and in serving as a "lessons learned" example to countries emerging from similar historical circumstances so that they might benefit from the sharing of their experiences.

Remaining challenges and assistance sought for post-United Nations Integrated Mission in Timor-Leste phase

14. As mentioned above, in discussing the issue of the UNMIT phase-out, Timorese interlocutors dealing with respective sectors consistently referred to

certain remaining tasks and challenges, which the mission found to be strikingly similar across the different sectors. It was also striking that interlocutors considered that these challenges, while significant in certain sectors, were not insurmountable — with proper targeted assistance — and that they had to be viewed in the context of the dire conditions that prevailed at the time of the country's restoration of independence a decade ago (with basic infrastructure and facilities virtually destroyed). In recalling those difficult conditions, interlocutors proudly pointed to the inroads and achievements that the Timorese leaders and people had nevertheless made in proceeding with peacebuilding and State-building during such a relatively short transition period to date. Indeed, as shared with all interlocutors, the mission considered that what had been accomplished by Timor-Leste's leaders and people, particularly when seen within this historical prism, was nothing short of remarkable and reflected an overriding unity of purpose and determination to address core national needs as well as extraordinary resilience.

15. In making these observations, though, the mission considered that its informative discussions with Timorese interlocutors could not be regarded in any way as constituting a comprehensive assessment of the remaining challenges in each sector (particularly given the visit duration and limited travel outside of Dili). Moreover, the Government's working group is currently discussing the types of programmes of activities to be undertaken by the United Nations country team in the post-2012 phase and is reviewing a matrix of potential projects submitted by the team for 2013-2014 within the framework of the five-year Government programme, the Joint Transition Plan, the Millennium Development Goals and the peacebuilding and State-building goals of the New Deal for Engagement in Fragile States. The mission considered that it was important for that national-driven consultative process to be completed, in which UNMIT and the United Nations country team are also engaged.

16. Challenges commonly cited by interlocutors include human resources capacity constraints; further strengthening of State institutions (particularly in the security, justice and socioeconomic sectors); sustained capacity-building support for PNTL and continued security sector reform; enhancement of national judicial capacities and access to justice; reduction and prevention of domestic- and sexual-based violence; ensuring accountability for past crimes as well as current crimes, and recourse for victims; increasing employment opportunities for young people and rural communities; and promotion of equitable and inclusive growth and development so that benefits are reaped by all segments of the population, including through enhanced social services (for example, quality education, health care, improved sustainable livelihoods). Given the focus of the mission's discussions, some of the challenges raised and assistance sought in respect of PNTL and the justice sector are also summarized below.

PNTL

17. The mission arrived in Timor-Leste three days after the 31 October ceremony at the Presidential Palace celebrating the decision by the Prime Minister and the Acting Special Representative of the Secretary-General to certify, through an exchange of letters, the full reconstitution of PNTL as capable of conducting all aspects of police functions throughout Timor-Leste, whereby it would no longer receive operational support from the UNMIT police. At this juncture marking the pinnacle of "PNTL policing ownership", the mission discussed the evolution of the

PNTL-UNMIT police relationship and the prevailing security situation with Secretary of State for Security Francisco da Costa Guterres, PNTL General Commander Longuinhos Monteiro, Deputy General Commander Afonso de Jesus, the Commander of the Police Training Centre, Carlos Jeronimo, and the PNTL Manufahi District Commander in Same (with his UNMIT counterpart) as well as the UNMIT Deputy Special Representative of the Secretary-General for Security Sector Support and Rule of Law and the Police Commissioner, among others. Conveying pride, the Secretary of State for Security and the PNTL General Commander, as well as all other PNTL and UNMIT police officers with whom the mission met, emphasized that the certification of PNTL was a transition milestone for the institution and the culmination of a well-prepared, closely coordinated and joint process between the PNTL and UNMIT police as "partners". They highlighted that the preparatory process was grounded in the phased handover of responsibilities in districts/units from the UNMIT police to PNTL until its esumption of full policing responsibilities on 27 March 2011 (with UNMIT police operational support if required and requested) pursuant to the exchange of letters. Accompanying this resumption, they explained that the signing of the PNTL-UNMIT Police Joint Development Plan on 23 February 2011 (which was based on the PNTL Strategic Development Plan 2011-2012) ensured that UNMIT police capacity-building support focused on the five priority areas identified by the PNTL (legislation, training, administration, discipline and operations), which reinforced a sense of national ownership over a "needs-driven" process and had a discernible positive effect on PNTL officers' attitudes towards such capacity-building efforts. In praising the progress in Joint Development Plan implementation and achievements to date, they commended the commitment shown by PNTL officers and expressed deep appreciation for the cooperation and assistance provided by the UNMIT police under Commissioner Carrilho's leadership in "accompanying them" through the process.

18. In elaborating upon the preparatory process for certification, PNTL and UNMIT police representatives emphasized the transparent assessment of PNTL that was undertaken through jointly established modalities. In this regard, they highlighted that the PNTL/UNMIT Police Working Group on Certification rigorously evaluated the institutional capacities of PNTL on the basis of the three criteria agreed between UNMIT and the Government, entailing broad consultations and on-site field inspections, and submitted a detailed report dated 2 October and recommendations under a transmittal letter of 5 October to the PNTL General Commander and the UNMIT Police Commissioner (that was later shared with the Security Council). They also highlighted that, in that letter, the Working Group stated that it "found that all gaps and weaknesses identified in the joint assessments (of each district and unit) are being, or have already been addressed, and there is identifiable progress in all five areas of the Joint Development Plan, most notably in training and operations, as exemplified respectively by progress towards full academic accreditation of the Police Training Centre and the policing surrounding the 2012 election periods". Further, the representatives explained that the PNTL General Commander and the UNMIT Police Commissioner undertook a joint evaluation of that Working Group report and, in a joint letter dated 12 October to the Prime Minister and Acting Special Representative of the Secretary-General, stated that they endorse the report's conclusions and consider that PNTL meets the mutually agreed criteria for certification, which then led to the ultimate certification decision.

19. While lauding that the Working Group report provided a generally favourable assessment of the enhanced institutional capacities of PNTL and the considerable progress made over the past few years, the PNTL and UNMIT police representatives also noted that the report and recommendations conveyed that a number of remaining gaps and weaknesses in various areas are still being addressed and will require continued support, after the closure of UNMIT, from the United Nations country team and other partners. In the powerpoint briefing presented at the fully packed Police Training Centre auditorium, the PNTL Deputy Commander provided a frank overview of the Working Group report's findings as well as the main recommendations on action needed in each of the five areas of the Joint Development Plan to address these gaps and weaknesses. He pointed out that some of these challenges include logistical and infrastructure deficiencies which require increased budgetary allocations; improvement in asset and facilities management and in communications between PNTL subdistrict, district and headquarters locations (including internet access); continued provision of training for PNTL officers based in the districts and headquarters (including on legal frameworks and community policing doctrine) and the regularization of training focal points throughout the PNTL structures; further development and standardization of secondary legislation; improvement of the PNTL disciplinary regime and reporting mechanisms; and adequate support for implementation of the PNTL-related aspects of the National Action Plan on Gender-Based Violence and for efforts to improve the numbers of female police officers.

20. In conjunction with these recommendations, the PNTL Deputy Commander presented the vision and future support required for "moving forward", with the aim to ensure continued capacity-building of PNTL post-UNMIT for sustainability of institutional development achievements. In explaining that PNTL is leading the process of planning, organizing and coordinating projects and activities supported by donors, including through "Friends of PNTL" meetings, he presented a breakdown of areas for which further support is being sought from the United Nations country team and bilateral partners as essential for continued PNTL capacity-building as well an overview of current bilateral support programmes. He also extended appreciation to UNMIT for the transfer of certain critical equipment and vehicles for PNTL, explaining that discussions were ongoing between the Government and the Mission on arrangements for additional transfers of assets that were much-needed.

21. The mission was encouraged that, throughout all of their discussions, the Secretary of State for Security, the PNTL General Commander and Deputy General Commander as well as the UNMIT Police Commissioner and the Acting Special Representative of the Secretary-General and Deputy Special Representative of the Secretary-General each conveyed that they felt that PNTL was prepared and ready to conduct full policing functions throughout the country and to maintain safety and security for the population. In asserting its readiness, they particularly referred to: (a) the substantially enhanced operational and institutional capacities of PNTL following the extensive training and support provided by the UNMIT police and 19 civilian advisers (with targeted capacity-building since February 2011), bilateral partners (including Portuguese police trainers at the Training Centre), and the PNTL/UNMIT Police/United Nations Development Programme (UNDP) Joint Programme on Strengthening National Police Capacity in Timor-Leste; (b) the fact that, over the 18 months since PNTL has exercised command and control of all

policing operations, the security situation in the country has remained stable and the reported low crime rate has continued to decrease; (c) the performance of PNTL contributed to a peaceful environment for the smooth conduct of the 2012 elections and the formation of a new Government, with PNTL officers effectively handling the public order incidents that arose; and (d) the existing political will among the Timorese leadership to ensure that all remaining PNTL gaps and weaknesses will be addressed. As another example of PNTL's capacities, the PNTL command proudly pointed out that a number of officers have served, and are currently serving, abroad in United Nations missions in order to contribute to peace and security in other parts of the world (for example, in Guinea-Bissau, Kosovo and Lebanon). At the Training Centre, the mission was introduced to the additional 17 PNTL officers (two women) recently cleared for potential deployment to United Nations missions, who movingly shared their keen interest to be given the honour to wear the blue beret and help others while serving under the United Nations banner.

22. In remarks presented by the mission head at the Police Training Centre ceremony, and in all interactions with PNTL and Government interlocutors, the mission commended the commitment and progress made by PNTL since 2006 in getting to the transition's certification "milestone", as well as its close partnership with the UNMIT police who had accompanied it on this journey while respecting its national ownership of the process, which it considered an important aspect of Timor-Leste's "success story". Through its dedicated work in helping to maintain a secure and peaceful environment during the 2012 electoral process, PNTL had not only played a key role in ensuring the success of the elections but in strengthening democracy in the country. The mission conveyed the Security Council's trust that, in moving forward after the UNMIT police drawdown, PNTL will continue to strengthen as an institution and serve as a professional and respected police service to its citizens, abiding by the laws that govern it and promoting the principles and standards that it has established. The mission also regarded the participation of PNTL officers in United Nations peace missions as another important element of Timor-Leste's forward-looking approach to contributing to global peace and security, and applauded PNTL for also serving as a model to other countries in terms of its relatively high percentage of women police officers (18 per cent). Emphasizing that it was vital for women to be part of peace and security efforts everywhere and to also help deal with gender-based and domestic violence incidents, the mission encouraged even more women to become members of PNTL in the future and to serve in United Nations missions abroad.

Justice sector

23. The mission had a combined meeting with Government and State officials leading six of Timor-Leste's justice, human rights and anti-corruption institutions, including Minister of Justice Dionisio Babo Soares, President of the Court of Appeal Claudio Ximenes, Prosecutor-General Ana Pessoa Pinto, Public Defender General Sergio Hornai, Anti-Corruption Commissioner Aderito de Jesus Soares and Deputy Provedor for Human Rights and Justice Silverio Pinto Baptista (the Provedor was out of the country). In addressing whether Timor-Leste could handle outstanding tasks in the sector after UNMIT's closure, including serious crimes cases, Minister Babo and all other interlocutors underscored that the progress achieved, current capacities and outstanding challenges in the sector need to be considered in the context of inroads made since the 2002 restoration of

independence following the tragedy of 1999 and the 24-year Indonesian occupation. Stressing that the justice system was then virtually non-existent, they provided an overview of the evolution and strengthening of a completely new system over the past decade in terms of the establishment and expansion of respective institutions, infrastructure, legal frameworks and national human resources capacities, with the support of United Nations missions, the United Nations country team (particularly UNDP) and other bilateral and multilateral partners.

24. It was highlighted by these interlocutors that the State is committed to rule of law principles as enshrined in Timor-Leste's Constitution and has functioning democratic institutions, strategic plans and qualified personnel in the sector to promote the rule of law, human rights and anti-corruption efforts, though these young institutions still need further strengthening and increased development of specialized human resources skills and capacities as well as continued assistance of United Nations and other partners. While emphasizing that there is still a long way to go in developing the sector's institutions and structures, all of the interlocutors had a unified view that, having benefited from the international community's presence and assistance for so many years, the justice sector is "able to stand up on its own feet" in going forth after UNMIT's closure and has the trust of the population. At the same time, they indicated that, given the many challenges in the sector, it is critical to obtain the further support of the United Nations country team and other partners to assist in addressing them.

25. Interlocutors focused on the two interrelated areas of human resources constraints and institutional strengthening as particularly needing simultaneous attention and support, especially to enhance access to justice for the population throughout all districts, including in rural and isolated areas. In emphasizing the need to further develop and expand institutions and increase the numbers of trained and qualified personnel in the sector to ensure their accessibility to all citizens, interlocutors noted that Timor-Leste currently has four district courts (which actually function as regional courts in covering more than one district and are complemented by UNDP-supported mobile courts), one Court of Appeal (with a Supreme Court expected to be established in two years), a Prosecutor-General's office in six districts, and a Public Defender's office in four districts as well as civil registration offices in all 13 districts. As regards national personnel, they explained that there are 17 judges, 17 prosecutors and 16 public defenders in the country who have graduated from the compulsory two-and-a-half year training programmes at the Legal Training Centre, which has been supported by UNDP and other partners, with its first national Director appointed in 2010.

26. In order to further decentralize judicial services to enhance accessibility to the population, they explained that the current plan is to open courts and Prosecutor-General's offices in all 13 districts as well as additional Public Defender's offices, but that it requires additional numbers of qualified judges (including for the Court of Appeal), prosecutors and other legal practitioners. They highlighted that, due to the limited number of national judges, prosecutors and public defenders, Timor-Leste continues to rely on international judicial personnel, mostly from Portuguese-speaking countries, to perform certain line functions and to provide mentoring to national counterparts. The President of the Court of Appeal recalled that the country had no legal practitioners when the United Nations Transitional Administration in Timor-Leste (UNTAET) began and that experience had shown that it was not easy to quickly increase the number of national judicial personnel as approximately three to

five additional judges and prosecutors had graduated from the Legal Training Centre every two-and-a-half years, which was established in 2004 to provide training in situ instead of abroad. He indicated that it was therefore planned to increase the programmes at the Legal Training Centre so that more qualified legal practitioners become available to serve in the justice system, including private lawyers, which is essential to become self-sufficient in the future. Both he and the Prosecutor-General emphasized that the main target now is to increase the number of fully qualified judges, prosecutors and lawyers, which will require obtaining a larger pool of trainers for the Legal Training Centre, preferably from Portuguese-speaking countries and those from a civil law background, with the support of specialized United Nations agencies. It was pointed out that human resources planning has also been covered in the Justice Sector Strategic Plan for 2011-2030, approved by the Government in 2010, which sets out short-, medium- and long-term benchmarks.

27. In noting that all interlocutors had underscored the importance of national ownership in steering forward but that international assistance was still needed in dealing with remaining challenges, the mission raised the issue that the UNMIT Serious Crimes Investigation Team (supervised by the Prosecutor-General's Office under a memorandum of understanding) would not be able to complete investigations of all serious crimes cases by December. In stressing the need to consider not only pending serious crimes cases but also ordinary crimes being investigated by the justice system, the Prosecutor-General recalled that the UNTAET Serious Crimes Unit had not been able to complete its work by 2002 and that she recently received a report from the UNMIT Serious Crimes Investigation Team that it will not be able to complete 61 investigations of cases for various reasons, including the lengthy time taken to recruit qualified investigators in 2007-2008 and difficulties in undertaking investigations requiring specialized instruments, skills and techniques. While noting that most of the 300 case investigations completed by the Team were sent to archives because of insufficient evidence, she mentioned that one serious crimes file had recently been sent to the court and resulted in a conviction. In going forward, she explained that she expects to retain the international experts currently with her Office, who are mostly from Community of Portuguese-speaking countries such as Cape Verde and Portugal, as well as the Deputy Prosecutor-General (supported by the Office of the United Nations High Commissioner for Human Rights (OHCHR)) and feels they have the expertise to handle the 61 cases, but will need further bilateral and multilateral assistance and cannot ensure that all cases will be finished in 2013-2014.

28. The need to ensure access to justice for all Timorese citizens and related challenges was also underscored by the Public Defender General. In noting that the Office of the Public Defender had four district offices with 16 national staff, he explained that it was planned to open additional offices and further build human resources capacities through increased training of personnel at the Legal Training Centre, with the aim of ensuring that all citizens could exercise the fundamental right of defence and gain access to justice. He indicated that the Office was undertaking efforts to raise awareness among citizens of the formal justice system and how to exercise their rights in court (including in view of ratified conventions relating to gender equality, domestic violence and children's rights), as well as to provide free legal services to the population. At the same time, he stressed that increased national and international support is needed to strengthen the Office's structures and capacities, including through training, for which it will need to

continue to rely on UNDP and other partners such as Brazil, Cape Verde and Portugal after 2012. As regards the Office of the Provedor for Human Rights and Justice, the Deputy Provedor indicated that, as most of the human rights-related violations are perpetrated by PNTL members and second-most by F-FDTL members (with civil servants third), the Office has been conducting human rights training to both security institutions in their training centres. He indicated that the Office works closely with the Prosecutor-General's Office, the Anti-Corruption Commission and the Civil Service Commission and also cooperates with the courts to provide documentation that judges, prosecutors and public defenders may need, and will continue to rely on support provided by OHCHR and UNDP for the future.

29. The Anti-Corruption Commissioner and other interlocutors highlighted that the establishment of the Anti-Corruption Commission in 2010 reflected Timor-Leste's commitment and political will to tackle corruption issues early to avoid bigger problems, as well as recognition that it is not a simple crime (often involving organized crime) and requires special investigators. The Commissioner explained that, with the support of UNMIT, UNDP and other partners, the Commission began operating in 2011 (with high expectations) after a year-long process of recruiting staff and conducted the self-assessment review on the implementation of the United Nations Convention against Corruption that was published that year. However, he indicated that the number of cases investigated has been impacted by human resources constraints and that a major challenge continues to be the limited number of recruited investigators with the requisite qualifications. At the same time, he explained that the strong collaboration and working relations developed with the Prosecutor-General's Office, which has sole authority for prosecutions, has been instrumental in building the capacities of Anti-Corruption Commission investigators and in developing the legal framework to pursue corruption, with a draft anti-corruption law recently discussed with Parliament's Committee A. In going forward to address capacity-building and human resources challenges faced by the Anti-Corruption Commission, the Commissioner stressed that continued cooperation with and support from partners will be important, including UNDP and regional and international anti-corruption agencies.

C. Government view on innovative working relationship of cooperation with the United Nations during the post-United Nations Integrated Mission in Timor-Leste period

30. On 5 November, the mission met with Prime Minister Gusmão and his delegation, which included the Ministers for Foreign Affairs and Cooperation (Mr. José Luis Guterres), Justice (Mr. Dionisio Babo Soares), Finance (Ms. Emilia Pires), Health (Mr. Sergio Gama da Lobo), and Education (Mr. Bendito dos Santos Freitas) as well as Secretaries of State for Defence (Mr. Julio Tomas Pinto) and for the Promotion of Equality (Ms. Idelta Maria Rodrigues). In welcoming the delegation, the Prime Minister conveyed that the United Nations had made an outstanding contribution to Timor-Leste and that successive United Nations missions had supported its people in peacebuilding and State-building in many areas, including in restoring stability, improving institutions and strengthening democratic governance and socioeconomic development. He stated that the Government considered Timor-Leste to be "a success story for the United Nations" and, though there were setbacks over the past decade since independence, they had

now set out a longer-term plan for the country through the Strategic Development Plan for 2011-2030. He explained that the Government looks forward to continuing its relationship with the United Nations after the closure of UNMIT and had been asked by the Acting Special Representative of the Secretary-General to provide more information on its request for an innovative working relationship of cooperation.

31. In elaborating on a "new model" for that relationship, the Prime Minister indicated that the Government favours a model focusing on strengthening of institutions and development that supports implementation of the Strategic Development Plan and the Government's five-year plan within the framework of the Millennium Development Goals and the new framework of the Group of Seven Plus fragile States. He suggested that the model could involve the appointment of a non-resident Special Adviser who would report to the Secretary-General and not to the Security Council and would travel to Timor-Leste at least once a year (or more often if needed) to be present at the Development Partners Meeting. He indicated that the Special Adviser could support implementation of the Strategic Development Plan and efforts to strengthen institutions within the framework of the Millennium Development Goals and the New Deal principles; support the work on the New Deal between donors and recipients; and also assist Timor-Leste in its leadership efforts to strengthen the Group of Seven Plus (as Co-Chair). He further explained that the Adviser could be supported locally by the United Nations country team and the United Nations development framework.

32. In presenting this model within the context of the Group of Seven Plus initiative, the Prime Minister explained that Timor-Leste, as part of the Group of Seven Plus, understands very well the needs of other fragile countries and would like to show how it can work with the United Nations and others in a successful way as, otherwise, it will remain in a "kind of dependency". Under the Group of Seven Plus framework, Timor-Leste first has to take responsibility for its own needs and to assume responsibility for addressing its problems itself, underlining that national ownership means taking responsibility, and can then actively contribute to broader initiatives of the international community. He explained that this is why the Government foresees a role for the United Nations in the context of the Group of Seven Plus, which entails developing trust in the situation of a country and its ability to further develop. He pointed out that Timor-Leste had gone through the initial peacebuilding phase and was now focusing on State-building, with efforts concentrated on addressing major development needs such as education and infrastructure. Considering that Timor-Leste is "in the crossroads", he indicated that it wants to converge with the process of the post-2015 development framework and make a difference through its participation in the process, with both fragile and emerging economies making contributions. He appreciated that the Secretary-General supported the New Deal and Group of Seven Plus approach and was confident that the initiative would make a difference in enhancing aid effectiveness.

33. Addressing the mission's query, the Prime Minister considered that the new model for partnership with the United Nations would need to be agreed upon by the Secretary-General and would not entail reporting to the Council. He believed that this "new model of national ownership" could result in a better coordination mechanism between the United Nations and the Government to support its development priorities, emphasizing that the Special Adviser would work within the Government system — and "with us" — to coordinate with United Nations agencies

so that their programmes are integrated with the Government's five-year programme and the Strategic Development Plan. He considered that this new Group of Seven Plus-linked coordination mechanism would achieve better results for everyone (including Timor-Leste, the United Nations and donors) and that all would benefit from the new model of partnership. Finance Minister Pires (on the Secretary-General's High-level Panel of Eminent Persons on the Post-2015 Development Agenda) further explained that the Prime Minister had set up a task force within the Government on the new model, but that it had not yet completed an in-depth review and would have further discussions with the Acting Special Representative of the Secretary-General. She indicated that the new model was in line with the New Deal principles towards reaching the Millennium Development Goals and would serve as an "interim arrangement" after UNMIT's closure, with the Special Adviser expected to have a broad knowledge of the region and development issues (including investment opportunities) and to help inform the Secretary-General of lessons learned from the Timorese experience as well as to reach out to other Group of Seven Plus countries regarding those lessons. She further mentioned that there would be two Government posts to focus on this new partnership for development and that the Special Adviser could help the national team.

34. In noting that this suggested new model of the relationship would be within the purview of the Secretary-General for further discussion with the Government, and not within that of the Security Council, the mission asked whether there were any residual issues that UNMIT was dealing with that required attention, such as the investigations of serious crimes cases that would not be completed. The mission indicated that it had also raised the issue with justice sector representatives and wished to know how the Government intended to proceed. The Prime Minister confirmed that, while Timor-Leste continued to face challenges, UNMIT could proceed with closure as there were no residual issues to give rise for concern. He recalled the background and rationale for how Timor-Leste had dealt with Indonesia on the serious crimes issue, including the establishment of the Commission for Reception, Truth and Reconciliation and the Commission of Truth and Friendship. On the outstanding serious crimes investigations, he indicated that they will deal with the process and "will close this chapter".

Views of other stakeholders

35. The mission also sought the perspectives of other Timorese interlocutors with whom they met on the desired future United Nations engagement, with some diverging from the Government position. During the meeting with Fretilin Secretary-General Alkatiri (with his three Deputy Secretary-Generals and four Parliament members), he expressed the party's concern about the "appearance" of advances when the reality revealed that Timor-Leste still had a far way to go in terms of democracy, justice and good governance. He mentioned, for example, that everything happens in accordance with the will of one person in power, there is growing impunity and political influence on the courts, corruption is endemic and millions of dollars are spent without results, and inequalities are growing between Dili and the districts. Maintaining that there is no social, formal or economic justice, which is like a "time bomb", he indicated that there should be a national consensus to decide on whether the United Nations is to leave the country. He noted that, before the elections, there had been a consensus between the Government and

opposition that there should be a small political mission to succeed UNMIT, but that the Government later changed its position and made a decision without consultation.

36. On the future United Nations presence, Mr. Alkatiri explained that, while Fretilin agreed that armed forces were no longer needed, it felt that Timor-Leste "still needs the eyes of the United Nations to pay attention to us", and not just a need for the development agencies but also a need for a political relationship between Timor-Leste and the United Nations. In explaining that the party wants the United Nations relationship to be different and does not want "dependency", he stressed that the transition should have been done over the past five years and not only done with one person, as that cannot lead to a "proper transition". They consider that the creative way of the Government will not work as the Special Envoy will just be sent to Timor-Leste periodically and "the Prime Minister will not listen to him". At the same time, Mr. Alkatiri assured that Fretilin will do everything to continue strengthening peace and stability as it wants a viable and sustainable State, and has been trying to have a constructive relationship with the Government though their ideas are ignored in Parliament. While stating that he hoped that the country will not fail again like in 2006, he warned that this may happen, noting, for instance, that the police are not yet ready to take charge of security in terms of command and control, administration and logistics and that there had been no preparation for the next generation of F-FDTL leaders and institution-building to ensure a sustainable transition.

37. At the mission's combined meeting with political parties, representatives of seven parties attended — the Associação Social-Democrata Timorense (ASDT), the Conselho Nacional de Reconstrução do Timor (CNRT), Fretilin, the Partido Democrático (PD), the Partido Social Democrata (PSD), the Partido do Desenvolvimento Nacional (PDN) and the União Nacional Democrática de Resistência Timorense (UNDERTIM) — out of the 11 invited (which met 1 per cent of the parliamentary election vote): Frente Mudança, KHUNTO, the Partido Socialista de Timor (PST) and the União Democrática Timorense (UDT) did not participate. Five of the seven parties expressed the view that, after the closure of UNMIT, Timor-Leste would need continued United Nations support through its agencies, funds and programmes — with which they had excellent cooperation in their work — in order to address remaining challenges, including in the areas of socioeconomic development, institution-building and human resources development, infrastructure, security sector reform (including PNTL strengthening), and aid effectiveness. On the other hand, the PSD representative expressed the view that, though it was time for Timor-Leste to stand on its own in moving forward, his party wanted "a small but significant mission" to follow UNMIT to be able to mobilize resources and coordinate the assistance of United Nations agencies and other development partners so that support would be more efficient. He expressed the hope that such a United Nations mission would also provide this type of support for decentralization efforts and future municipal elections. In addition, the Fretilin representative reiterated (like Mr. Alkatiri earlier) that, given the vulnerability of the country and the unresolved issues (including serious crimes cases), the party would like a small political mission for a finite period after the UNMIT drawdown so that it could monitor the situation. A number of representatives also indicated that, with the departure of UNMIT (which organized regular meetings with all registered political parties), the Government should establish a mechanism for regular

consultation with parties that are not represented in Parliament on issues of national importance so that they can express their views.

38. In the mission's meeting with 9 civil society organizations and women's groups (out of 15 invited), representatives consistently indicated that continued support of United Nations country team entities should be provided to Timor-Leste after UNMIT's closure to address certain unfinished tasks and remaining challenges. In addition, one non-governmental organization was of the view that a small political mission should be established to provide support to the justice sector, and another expressed a preference for the country to remain on the Security Council agenda (as conveyed in a letter to the mission). Strikingly, most representatives expressed particular concerns relating to impunity for past serious human rights violations and serious crimes as well as current crimes, emphasizing that the discontent of victims and their families could also contribute to instability, and appealed for the United Nations to seek ways to ensure accountability and justice (with two appealing for the establishment of an international tribunal). Various representatives also highlighted that United Nations support was needed for programmes and activities relating to women's empowerment and political participation as well as prevention of gender-based and domestic violence and for recourse for victims; improvement of health care, education and social services (for example, to reduce malnutrition, stunting and child and maternal mortality rates); the promotion of inclusive and sustainable economic growth and development (for example, to reduce poverty and increase employment opportunities); the strengthening of PNTL, F-FDTL and justice institutions; conflict prevention; and the distribution of some United Nations facilities to civil society organizations to enable them to better carry out their work.

III. Observations

39. As elaborated above (see paras. 12 and 13), the mission noted that there was a consensus of views among all Timorese interlocutors with whom it met — including those within the Government, State institutions, Parliament, political parties, civil society organizations and women's groups — that UNMIT should proceed with its drawdown and close at the end of its mandate on 31 December 2012, as they consider that Timor-Leste no longer needs the assistance of a United Nations peacekeeping presence at this stage of its development in view of the remarkable progress achieved since the restoration of independence and the remaining challenges. In addition, this position was shared by the UNMIT leadership and senior management team and by representatives of the United Nations country team with whom the mission had extensive discussions on the issue, including regarding their assessment that the Joint Transition Plan's objectives will be met within the remaining mandate period. As regards the remaining PNTL weaknesses and gaps cited in the report of the PNTL/UNMIT Police Working Group on Certification, the mission was heartened by the fact that the PNTL command and Timorese authorities openly acknowledged these challenges and committed to take the necessary action and make appropriate arrangements to address them, including with continued United Nations country team and bilateral and multilateral support. Therefore, given the clear position set out by the Government in the letter dated 20 September from the Prime Minister to the Secretary-General and the above-mentioned unanimity of views, and based on its discussions and observations on the ground, the mission

concurs with the Secretary-General's recommendation that the UNMIT drawdown should proceed until mandate completion on 31 December.

40. The mission appreciated that, further to the position presented in the letter dated 20 September from the Prime Minister to the Secretary-General, the Government elaborated on its vision and possible "model" of an innovative working relationship of cooperation between Timor-Leste and the United Nations for going forward following UNMIT, which was anchored in the principle of national ownership. The vision expressed clearly reflected the Government's collective desire for Timor-Leste to no longer be on the Security Council agenda and to focus on its socioeconomic needs to meet the Millennium Development Goals, the strengthening of institutions and supporting its engagement in and leadership of the Group of Seven Plus initiative. At the same time, the Government indicated that the continued support of the United Nations country team and bilateral and multilateral partners would be needed to tackle remaining challenges in various sectors during the post-UNMIT period. Given that the Government has established a working group which is still engaging in discussions with the Acting Special Representative of the Secretary-General on the type of programmes to be undertaken by United Nations country team entities in the post-2012 phase and on a possible new model involving a non-resident Special Adviser (see paras. 15 and 31 to 34 above), the mission conveyed to the Prime Minister that such a model would be within the purview of the Secretary-General for further discussion with the Government. On the issue of the estimated 61 cases for which investigations will not be completed by UNMIT's Serious Crimes Investigation Team, the mission noted the Prime Minister's position that they would deal with the process and close the chapter, as was also expressed by the Prosecutor-General to the mission. More generally, as noted above, all of the justice interlocutors were unified in the view that the justice sector has the necessary will and capacity to continue to carry out its functions, following UNMIT's closure, in coordination with bilateral and multilateral partners as requested by the Timorese authorities (see paras. 23 to 29 above). The mission also noted that there were some diverging views expressed by those outside the Government on the future United Nations engagement, which have been outlined above (see paras. 35 to 38 above).

41. As amplified in the present report (see paras. 9 and 10 above), and as conveyed to the Government and all other Timorese interlocutors, the mission commends the remarkable achievements made by the country over the past decade in the aftermath of such tragic events in 1999 as well as its political maturity and forward-looking attitude in contributing to important regional and global initiatives, which reflects the resilience, tenacity and commitment of the leadership and people to promote sustainable peace and security and inclusive and equitable development for the population and, in addition, to reach out and help others in the world. Further, the mission applauds the Government and all Timorese for their steadfast collaboration and partnership with UNMIT and the United Nations country team since the Mission's establishment, including during the jointly owned transition process which reinforced the principle of national ownership to the benefit of all. The mission further underscores the continuing commitment and support of the international community to Timor-Leste as it embarks on the critical next stage of its development, in a new form of relationship of cooperation and partnership with the United Nations. Finally, the mission expresses its deepest gratitude to the Government of Timor-Leste, as well as to all interlocutors, for their cooperation and

support during the visit. The mission also expresses its appreciation to the UNMIT leadership and staff, under Acting Special Representative of the Secretary-General Reske-Nielsen, as well as to the United Nations country team entities who tirelessly worked together in such an integrated manner to assist and accompany Timor-Leste through its journey, one that is truly an inspiring lesson.

Annex

Terms of reference for the Security Council mission to Timor-Leste

1. To reaffirm the commitment of the Security Council to the sovereignty, independence, territorial integrity and national unity of Timor-Leste and the promotion of long-term stability in the country;

2. To commend the people of Timor-Leste for their successful presidential and legislative elections and efforts aimed at consolidating peace and democracy in their country;

3. To encourage the Government, the Parliament, the political parties and the people of Timor-Leste to continue to work together and engage in inclusive dialogue to promote the further consolidation of peace, democracy, the rule of law, security sector reform, sustainable social and economic development and national reconciliation in the country, including fostering the role of women in the process;

4. To express the support of the Security Council to Timorese leadership and ownership of the next phase of development;

5. To acknowledge and express gratitude to the Government and people of Timor-Leste for their continued cooperation and collaboration throughout the mandate of the United Nations Integrated Mission in Timor-Leste (UNMIT);

6. To commend and express the full support of the Security Council for the work of UNMIT and for the United Nations country team in Timor-Leste, and to assess the progress in the phased drawdown of UNMIT operations;

7. To discuss with the Government of Timor-Leste its vision of an innovative working relationship of cooperation with the United Nations;

8. To underscore the long-term commitment of the international community to sustainable peace and development in Timor-Leste and the continuing support of bilateral and international partners to those Timorese efforts as needed.